

REMARKS/ARGUMENTS

In the Office Action mailed April 13, 2007, claims 1-21 were rejected by the Examiner. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. Claims 2, 4, 12, 14, and 16 have been cancelled without prejudice or disclaimer. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

DOUBLE PATENTING

Claims 1-21 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,928,349. A terminal disclaimer is filed herewith to overcome this rejection.

CLAIM REJECTIONS – 35 U.S.C. §112

The Examiner rejected claims 5, 6, 8, 11, 12, 14 and 17-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to overcome the rejection.

CLAIM REJECTIONS – 35 U.S.C. §102

The Examiner rejected claims 1, 8, 13, 15 and 20 under 35 U.S.C. §102(e) as being anticipated by Knight (US 2003/0163587, hereinafter "Knight"). The Examiner stated that for

claims 1, 13 and 15, Knight teaches a data communication adapter and method (Adapter 200, shown on Fig. 1A and 2, [0108], comprising:

a first interface to connect with a scan tool (interface 202 or interface 218 of adapter 200 to connect the adapter to USB host 110, as shown on Fig. 1A and 2, which can be stationary service equipment or portable service tool for vehicle diagnostic [0116]-[0117]);

a second interface to connect with a third interface that is on a vehicle (interface 214 or 216 of the adapter, as shown on Fig. 1A and 2, and disclosed on [0129]-[0132] to interconnect adapter 200 to the inherent third interface of the vehicle communication network 108, as shown on Fig. 1A and designed according to industry standards [0114], because the third interface is essential to connect network 108 to the adapter 200);

at least one data line that relays data transmitted in a communication protocol between the first and second interfaces (data lines, connecting interface 214 or interface 216 to the adapter CPU 204, as shown on Fig. 2);

a chipset in communication with the at least one data line, the chipset can convert a first communication protocol to a second communication protocol and vice versa (CPU 204, RAM 220, ROM 222 and interface logic 206, connected to the data line, as disclosed above, to provide by-directional conversion between protocols [0116], as shown in examples [0129]-[0133];) and

a transceiver in communication with the chipset and the at least one data line, the transceiver receives and transmits data to and from the chipset (transceiver 214 or 216, as shown on Fig. 2 and [0129]-[0132]).

Knight teaches an adapter that allows communication between a vehicle control computer and a remote computer. (Abstract). The adapter includes a first interface for coupling with the vehicle computer and a second interface for a USB controller. Id. A CPU is disclosed but does

not include a J1850 controller, and a CAN controller. FIG. 2 discloses a CPU 204 that can communicate with CAN transceiver 214, J1587 transceiver 216 and RS-232 transceiver 218. Additionally, a switch is not disclosed in order to open and close to direct the communication in the adapter.

Therefore, Knight does not teach or disclose a data communication adapter having at least “a switch that is provided on the at least one data line to direct the data within the adapter, the switch being controlled by the chipset to open or close,” and the “chipset comprises: a J1850 communication controller; a CAN controller; and a microprocessor, wherein the communication controller, the CAN controller and the microprocessor are in communication with each other,” as recited in claim 1. Knight also does not disclose a method for data communication that includes at least “directing where the communication protocol will go in the adapter by a chipset that controls a switch located on the at least one communication line,” “wherein the chipset controls the switch to open or close depending if the communication protocol has to be converted, wherein when the switch is closed, the communication protocol is communicated on the at least one data line between the scan tool and the interface on the vehicle, and when the switch is open the chipset converts the first communication protocol to the second communication protocol and vice versa,” as recited in claim 9. Additionally, Knight does not disclose or teach a communication adapter system that includes at least “means for switching to direct the data that is controlled by the means for controlling” and “the means for controlling is a chipset that comprises: a communication controller; a CAN controller; and a microprocessor, wherein the communication controller, the CAN controller and the microprocessor are in communication with each other,” as recited in claim 13. Similarly, Knight does not disclose a data communication adapter that includes a least a “a switch that is provided on the at least one data

line to direct the data within the adapter, the switch being controlled by the chipset to open or close,” and “wherein the chipset comprises: a J1850 communication controller; a CAN controller; and a microprocessor, wherein the communication controller, the CAN controller and the microprocessor are in communication with each other, as recited in claim 21. Withdrawal of the rejection is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §103(a)

The Examiner rejected claims 2, 5, 9-11, 14, 16, 17 and 21 under 35 U.S.C. §103(a) as being unpatentable over Knight. Because for the reasons above, claims 3, 5, 6-8 depend directly or indirectly from claim 1, claims 10 and 11 depend directly on claim 9 and claims 15 and 17-20 depend directly or indirectly from claim 13, are also believed to be allowable. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1610 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

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Patent

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87354.3200.

Respectfully submitted,
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